

Message Text

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14
ACTION EA-09

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TO SECSTATE WASHDC 7803
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CINCPACFLT
CINCPACREPPHIL SUBIC
CG 13TH AF CLARK AB RP

C O N F I D E N T I A L MANILA 10742

CINCPAC ALSO FOR POLAD

FROM USDEL 144

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: PHILIPPINE BASE NEGOTIATIONS: OFFICIAL SUMMARY 7/20/76

TRANSMITTED BELOW IS THE TEXT OF THE OFFICIAL SUMMARY RECORD
FOR THE NEGOTIATING SESSION JULY 20, 1976:

QUOTE: THE PANELS RECONVENED AT 9:30 A.M. AMBASSADOR ROMUALDEZ
NOTED THAT HIS INITIAL READING OF THE JOINT REPORT INDICATED THAT
THE MAIN ISSUE WAS SOVEREIGNTY AND THAT IT WOULD BE NECESSARY TO
RESOLVE THIS ISSUE BEFORE ANY FURTHER MATTERS COULD BE RESOLVED. HE
ALSO SUGGESTED THAT, IN THE FUTURE, THE WORKING GROUPS SHOULD SUBMIT
THEIR TENTATIVE DRAFTS TO THE SECRETARIES GENERAL OF BOTH PANELS,
INDICATING THE DATE AND WHETHER IT IS A US OR AN RP DRAFT SO THAT THE
PANELS WOULD BE AWARE OF ALL POSITIONS SUBMITTED.

"AMBASSADOR SULLIVAN NOTED THAT IN HIS READING OF THE JOINT
REPORT HE HAD IDENTIFIED SEVERAL AREAS WHERE CONCEPTUAL AGREE-
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MENTS IN THE WORKING GROUP HAD NOT BEEN ADDRESSED IN THE REPORT.

HE POINTED OUT THAT ONLY 8 OR SO OF THE 29 ISSUES WHICH HE FOUND IN THE JOINT REPORT APPEARED TO REQUIRE RESOLUTION ON THE POLITICAL LEVEL. THE REMAINING 21 WERE EITHER AGREED OR COULD BE AGREED ON THE WORKING GROUP LEVEL. HE NOTED THAT FULL RECOGNITION OF PHILIPPINE SOVEREIGNTY COULD NOT RESULT IN SUBORDINATION OR DEROGATION FROM US SOVEREIGNTY, AND STATED HIS CONCERN THAT NOT DEALING WITH OTHER MATTERS UNTIL THE ISSUE OF SOVEREIGNTY WAS RESOLVED WOULD SURELY DELAY THE TALKS, SINCE SOVEREIGNTY IS A COMPONENT OF MANY ISSUES. HE AGREED THAT DRAFTS OR POSITIONS COMING FROM EITHER SIDE SHOULD BE SO LABELED AND SUBMITTED THROUGH THE SECRETARIAT, BUT EXPRESSED THE HOPE THAT THIS WOULD NOT PRECLUDE THE WORKING GROUPS FROM DRAFTING JOINT WORKING LANGUAGE, ON AN AD REFERENDUM BASIS, WHICH WOULD HAVE NO OFFICIAL STATUS UNTIL APPROVED BY THE PANELS.

"THE PANELS AGREED, AFTER FURTHER DISCUSSIONS, TO PERMIT THE WORKING GROUPS TO DRAFT JOINT LANGUAGE WHERE POSSIBLE, THOUGH THE WORKING LANGUAGE WOULD HAVE NO OFFICIAL STATUS UNTIL SANCTIONED BY THE PANELS.

"AMBASSADOR ROMUALDEZ REMINDED THE PANELS OF THE MARCOS-FORD COMMUNIQUE STRESSING THAT THE QUESTION OF SOVEREIGNTY SHOULD BE GIVEN MEANING IN THESE NEGOTIATIONS. HE STATED THAT THE PHILIPPINE PANEL IS ASSERTING PHILIPPINE SOVEREIGNTY WITH RESPECT TO THE MILITARY BASES WHICH ARE PHILIPPINE TERRITORY AND THERE IS NO QUESTION ABOUT IMPAIRING US SOVEREIGNTY; THAT DURING THESE NEGOTIATIONS THE PHILIPPINES MAY AGREE ON AREAS WHEREIN IT MAY CONSENT TO A SITUATION WHERE PHILIPPINE SOVEREIGNTY CAN BE MODIFIED SO THAT US OPERATIONS SERVING MUTUAL INTERESTS WOULD NOT BE HAMPERED.

"SENATOR PELAEZ NOTED THAT SEVERAL ITEMS - THE USE OF FACILITIES BY THIRD COUNTRY VESSELS AND AIRCRAFT, AND THE GRANTING OF REFUGE - WERE NOT ADDRESSED IN THE JOINT REPORT AND INQUIRED AS TO WHICH GROUPS WERE CONSIDERING THEM.

"THE PANELS AGREED THAT ARTICLE II, PARAGRAPH 9 IN THE PHILIPPINE DRAFT SHOULD BE TAKEN UP BY THE COMMAND GROUP AND ARTICLE II, PARAGRAPH 10 BY THE LEGAL GROUP, THAT ARTICLE XVI (RP DRAFT) SHOULD BE DISCUSSED ALONG WITH ARTICLE XVIII (RP DRAFT) BY BOTH CHAIRMEN AND THAT ARTICLE X, PARAGRAPH 1 AND 2 (RP DRAFT) SHOULD BE REFERRED TO THE COMMAND GROUP.

"IN RESPONSE TO A QUESTION BY AMBASSADOR ROMUALDEZ, AMBASSADOR
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SULLIVAN REQUESTED PRIVATE CONSULTATION ON THE MATTER OF JOINT PRESS STATEMENTS. IT WAS AGREED THAT THIS MATTER AND FURTHER DISCUSSION OF THE EIGHT ISSUES IDENTIFIED AS REQUIRING POLITICAL RESOLUTION WOULD BE DISCUSSED PRIVATELY BY THE PANEL CHAIRMEN.

"AFTER INSTRUCTING THE INTELLIGENCE SUB-GROUP TO MEET AFTER THE RECESS, THE PANELS RECESSED AT 10:30 A.M. TO PERMIT THE PHILIPPINE TEAM TO EXAMINE IN DETAIL THE JOINT REPORT. IT WAS

AGREED THE PLENARY WOULD RECONVENE IN THE AFTERNOON.

"THE PANELS RECONVENED AT 3:00 P.M. AMBASSADOR ROMUALDEZ REITERATED THAT THE WORKING GROUPS SHOULD OPERATED UNDER GUIDELINES IN WHICH THEY WILL PURSUE AREAS WHERE AGREEMENT APPEARED POSSIBLE AND SUBMIT TO THE PANELS, ON AN AD REFERENDUM BASIS, AGREED WORKING TEXTS OF ARTICLES WITH DISAGREED LANGUAGE BRACKETED. HE ALSO RESTATED THE PHILIPPINE BELIEF THAT TALKS SHOULD BE CONDUCTED WITH THE RECOGNITION THAT PHILIPPINE SOVEREIGNTY OVER ITS TERRITORY IS ABSOLUTE, EXCEPT FOR AREAS WHERE THE PHILIPPINE WOULD MODIFY ITS APPROACH TO INSURE THAT OPERATIONS IN SUPPORT OF MUTUAL INTERESTS WERE NOT HAMPERED.

"AMBASSADOR SULLIVAN RESPONDED THAT THE US PANEL CONCURS ENTIRELY WITH THIS VIEW OF PHILIPPINE SOVEREIGNTY, AND IMPLY BELIEVES THAT THE AGREEMENT SHOULD MAKE SUCH ALLOWANCE FOR THE PRESENCE OF US FORCES AS IS CUSTOMARY IN INTERNATIONAL PRACTICE AND IS NECESSARY TO INSURE EFFECTIVE OPERATIONS.

"AMBASSADOR ROMUALDEZ POINTED OUT "CUSTOMARY INTERNATIONAL PRACTICE" FOR THE PHILIPPINE INVOLVED EITHER CONQUEST AND OCCUPATION BY AN OUTSIDE FORCE, WHICH IS HARDLY APPLICABLE TO THE CURRENT DISCUSSIONS, OR AGREEMENTS WITH THE UNITED STATES. THUS THE PHILIPPINE EXPERIENCE WITH WHAT WAS "CUSTOMARY" MIGHT WELL DIFFER FROM THAT OF THE U.S. AMBASSADOR SULLIVAN ASSURED THE PHILIPPINE PANEL THAT THE US RECOGNIZED THIS, AND EXPRESSED THE HOPE THAT THE PHILIPPINE SIDE WOULD CONSIDER WHAT HAS BEEN CUSTOMARY INTERNATIONAL PRACTICE WORLDWIDE IN COMPARABLE SITUATIONS SHOULD BE APPLICABLE TO THE NEW AGREEMENT.

"AMBASSADOR SULLIVAN THEN INQUIRED AS TO WHETHER OR NOT THE GUIDELINES STATED FOR THE WORKING GROUPS BY AMBASSADOR ROMUALDEZ WOULD EXTEND TO ISSUES YET UNDISCUSSED. AMBASSADOR ROMUALDEZ RESPONDED THAT FOR THE PRESENT, EMPHASIS SHOULD EXTEND TO ALL AREAS WHERE AGREEMENT SEEMED POSSIBLE. THE PANELS THEN INSTRUCTED THE WORKING GROUPS TO CONDUCT THEIR WORK ACCORDINGLY.
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"THE PANELS AGREED THAT THE TEAMS WOULD NOT MEET IN PLENARY BUT WOULD GO DIRECTLY TO WORKING GROUPS ON JULY 21. THE PLENARY ADJOURNED AT 3:30 P.. END QUOTE.
SULLIVAN

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